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Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

Plaintiff,

v.

PIROUZ SEDAGHATY,

Defendant.

CR 05-60008

**MOTION FOR PRODUCTION AND
SATISFACTION OF PROSECUTOR'S
DUTY OF INQUIRY AND HENTHORN
REVIEW AND SUPPORTING
MEMORANDUM**

Defendant, Pirouz Sedaghaty, by and through his attorneys, Lawrence Matasar, and Federal Public Defender Steven T. Wax, hereby moves this Court to direct the government to conduct a review of the personnel files of Daveed Gartenstein-Ross and Thomas Wilcox in accordance with the holding in *United States v. Henthorn*, 931 F.2d 29, 31 (9th Cir. 1991), and to disclose the results of said review no later than ninety days prior to trial.

The government has indicated that it will call on Mr. Daveed Gartenstein-Ross and Mr. Thomas Wilcox to testify in this case. Mr. Gartenstein-Ross worked as a federal employee when he was a clerk for the United States Court of Appeals for the D.C. Circuit beginning in 2002. Mr. Thomas Wilcox worked as an Internal Revenue Service (IRS) revenue agent from 1974 to 1979. Pursuant to *Henthorn*, the obligation to conduct a review of government witness personnel files arises by virtue of the making of a demand for their production. 931 F.2d at 31. There is no requirement that the defendant make any initial showing as to materiality. *Id.*

Mr. Sedaghaty moves this Court to enter an order directing the government to conduct a *Henthorn* review of the personnel files of former government employees, Daveed Gartenstein-Ross and Thomas Wilcox, no later than ninety days prior to trial.

RESPECTFULLY submitted this 29th day of April, 2008.

/s/ Steven T. Wax
Steven T. Wax
Federal Public Defender